

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ROGER SOMERVILLE**, on February 7, 2001  
at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Roger Somerville, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Carol C. Juneau, Vice Chairman (D)  
Rep. Darrel Adams (R)  
Rep. Joe Balyeat (R)  
Rep. Debby Barrett (R)  
Rep. Ronald Devlin (R)  
Rep. Dave Gallik (D)  
Rep. Steven Gallus (D)  
Rep. George Golie (D)  
Rep. Donald L. Hedges (R)  
Rep. Jim Keane (D)  
Rep. Gary Matthews (D)  
Rep. William Price (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Karl Waitschies (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Donna Huffman, Committee Secretary  
Leanne Kurtz, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 442, HB 403, 02/07/01  
Executive Action: HB 33, HB 401, HB 432,  
HB 137, HB 153.

**Chairman Somerville** said he asked **Rep. Lenhardt** to talk to the committee about HB 153. Also, **Rep. Clancy** asked the committee to kill her bill, HB 137. **Chairman Somerville** said the rules state that if the sponsor wants to kill their bill, they have to announce that to the committee and the committee can then open executive action without holding a formal hearing on the bill.

**Rep. Lenhart, HD 2**, said he urges the committee to kill HB 153. He said there are a few bills upcoming that do what he wanted his bill to do.

**Motion/Vote:** **REP. GALLUS** moved that **HB 153 DO PASS.**

**Motion/Vote:** **REP. SMITH** moved that **HB 153 BE TABLED.** Motion carried 18-0.

**Motion:** **REP. GALLUS** moved that **HB 137 DO PASS.**

**Motion/Vote:** **REP. HEDGES** moved that **HB 137 BE TABLED.** Motion carried 18-0.

#### **HEARING ON HB 403**

**Sponsor:** **Rep. Kim Gillan, HD 11.**

**Proponents:** **Rep. Dick Haines, HD 63, Missoula; Fred Thomas, SD 31; Betsy Purcell, Teacher at Lone Rock School; Mackenzie Bloom, Jerika Ward, Lina Miller, Sherri Wandler, Josh Rokosch, Emma Laughlin, Kevin Lechner, Tanner Roth, all are students from Lone Rock School in Stevensville, Mt.; Brenda Nordlund, Department of Justice; Karen Strickler, American Academy of Pediatrics; Rick Chiotti, Representing Superintendent of Public Instruction; Dwight Easton, Farmers Insurance Companies; Steve Yeakel, MCMCH; Miriam Luse, Attorney in Helena, Mt.; Jim McGrane, Teacher; Greg Van Horssen, State Farm Insurance Company; Tom Harrison, Triple AAA Mountain West; Mark Taylor, Anheuser-Busch Co.; Tom Daubert, Montana Traffic Education Association; Steve White, Montana Coalition of Home Educators; Shelly Meyer, RN.**

**Opponents:** **Dal Smilie, American Motorcycles Association.**

**Informational Witnesses:** **Roger Swearengen, Director of Motorcycle Safety; Al Goke, Montana Department of Transportation.**

**Opening Statement by Sponsor:**

**Rep. Gillan** said this bill is a graduated license program, which increases the safety of our new teenage drivers in Montana. She

said 10% of the licensed drivers in Montana are teenagers. The most compelling statistic used in coming forward with the graduated drivers license program for Montana is that 23% of fatal crashes involved drivers' between the ages of 15 and 19 years old. Graduated drivers licensing is a system that introduces first time drivers to the driving experience, and it is a tool to help teenagers to become better drivers. This bill requires an instruction permit for 6 months, which could be used as a proxy for adequate training beyond drivers education. It also places restrictions on the first year of driving with issuance of a restricted license, which has been shown through statistics as being the most critical time for at risk driving by teenagers. This bill will limit passengers to two under 18 years old. It also restricts hours they cannot drive, which are between midnight and five in the morning.

**Proponents' Testimony:**

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**Rep. Haines** said he is proud to be the co-sponsor of this bill. He supports HB 403.

**Fred Thomas** said he is proud to have 8<sup>th</sup> grade students from Lone Rock School in Stevensville, Mt. to give a presentation on the bill. He supports HB 403.

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**Betsy Purcell** said the students will come up and present studies on teenage accidents which they have used to support teenage graduated license programs.

**Mackenzie Bloom EXHIBIT(trh31a01), and Jerika Ward EXHIBIT(trh31a02),** said teenagers take too many risks when behind the wheel, this program will help ensure that teenagers will know what they are doing before they get on the road. They said this will help reduce the accident rate which is the main thing they are trying to do.

**Lina Miller EXHIBIT(trh31a03), and Sherri Wandler EXHIBIT(trh31a04),** presented alternative policy. They said graduated drivers' licensing is a policy that a teenager completes at different levels before earning a full drivers' license.

**Josh Rokosch** and **Emma Laughlin EXHIBIT(trh31a05)**, presented their alternative policy. They gave statistics on other states' graduated licensing program.

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**Kevin Lechner** and **Tanner Roth EXHIBIT(trh31a06)**, said their group is working on a class development action program. They said the way the legislature can help is to talk to the Governor about a licensed graduated program.

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**Brenda Nordlund** said HB 403 reduces risk taking behavior and other consequences and circumstances that make children more likely to be engaged in accidents or fatalities. She said this bill does not change the age limit for driving in Montana. Also, it does not change your driving privileges if you have been involved in a crash or have had a conviction that is not related to the restricted hours. **Ms. Nordlund** handed out a sheet containing current law and proposed law on students who take drivers education and students who do not take drivers education. **EXHIBIT(trh31a07)**. **Ms. Nordlund** handed out an amendment to HB 403. **EXHIBIT(trh31a08)**.

**Karen Strickler** said they support HB 403. **EXHIBIT(trh31a09)**.

*{Tape : 1; Side : B; Approx. Time Counter : 13.8}*

**Rick Chiotti** said the Office of Public Instruction supports HB 403. **EXHIBIT(trh31a10)**.

**Dwight Easton** handed out a status report for highway safety (an article on states' accelerating pace of graduated licensing laws) **EXHIBIT(trh31a11)**, also crash rates by driver age and passenger presence **EXHIBIT(trh31a12)**.

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**Steve Yeakel** handed out sheets that contained statistics on preventing teen traffic accidents **EXHIBIT(trh31a13)**, and questions and answers concerning HB 403, **EXHIBIT(trh31a14)**. He said they see this bill as a major help for parents who need more encouragement, and it helps law authorities. He said they encourage support of HB 403.

**Miriam Luse** said she supports HB 403.

**Jim McGrane** said as a middle school teacher and a teacher of drivers education he supports HB 403.

**Greg Van Horssen** said State Farm Ins. and American Insurance Association strongly supports HB 403.

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**Tom Harrison** said they support HB 403.

**Mark Taylor** said Anheuser-Busch has a national program called a Safe Driving Program, one of the key aspects of that program is addressing the young novice, high risk driver. He handed out a pamphlet on The Road to Safe Driving and a focus on the real problems **EXHIBIT(trh31a15)**, **EXHIBIT(trh31a16)**.

**Tom Daubert** said they support HB 403.

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**Steve White** said he had some concerns: in the home school community there is a problem with this bill. He said non-public school students have a problem getting into drivers' education programs. He said these students would be restricted by not getting their license until they are age 18. **EXHIBIT(trh31a17)**.

**Shelly Meyer** sent in testimony supporting HB 403 and stating that the Montana Nurses Association also supports HB 403. **EXHIBIT(trh31a18)**.

#### Opponents' Testimony:

**Dal Smilie** said young motorcycle riders, age 15 or 16, should not have an adult on the motorcycle with them because it is more dangerous. He said he thinks this should clarify this in the bill.

*{Tape : 2; Side : A; Approx. Time Counter : 10.6}*

#### Informational Witnesses Testimony:

**Roger Swearengen** said there may be a potential flaw in the bill and a conflict with existing statute. **EXHIBIT(trh31a19)**.

**Al Goke** said if the committee needed any data on Montana Crashes or Traffic Crashes he can provide this.

#### Questions from Committee Members and Responses:

**Rep. Gallik** asked **Mckenzie Bloom** if the class took a vote on this policy and what the results were. **Mckenzie Bloom** said yes, the vote was over two-thirds in support of it.

**Rep. Gallus** asked if any of the class opposed this bill. **Kevin Lechner** said he only opposed the age issue.

**Rep. Hedges** asked **Tanner Roth** if the statistic he presented was developed on a national or state basis. **Tanner Roth** said the statistics were on a state basis from 1992-1997.

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**Rep. Smith** asked **Mr. Smilie** why he thought it was more dangerous for adults to ride on motorcycles with teenagers. **Mr. Smilie** said a new young rider with an adult on a motorcycle is dangerous, because they are just trying to learn how to drive.

**Rep. Gallik** asked **Mr. Easton** how much he anticipated premium deductions would go down for this age driver in the event this legislation becomes law. **Mr. Easton** said the breaks for insurance are based on historical data and to project into the future is difficult, but there should be less of an increase.

**Rep. Devlin** asked **Rep. Gillan** why use a one year probation period rather than an age. **Rep. Gillan** said in the first year of driving a teenager is the most inexperienced.

**Rep. Gallus** asked **Dean Roberts** why this is creating a social privilege for athletes, religious and agricultural students in this bill. **Mr. Roberts** said he does not think they are, he said when kids come home from athletic events, they normally go home in their own car and he does not think they are granting any social privilege.

**Rep. Barrett** asked **Mr. Goke** if he could get statistics on how much improvement there has been in car wrecks for young people since we have had drivers education. **Mr. Goke** said there has been an improvement since 1980.

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**Rep. Gallik** asked **David Huff, Office of Public Instruction**, if there was adequate drivers training available to all youth who may want to participate in drivers training whether they are enrolled in public, home or any other school that is recognized. **Mr. Huff** said they do everything they can to provide to local school districts the technical assistance and resources to ensure

that they have sufficient courses in the state for every eligible student to be able to take a traffic education course. Occasionally, a school district is short an instructor and classes are delayed until they get a qualified person. He said their policy is, an eligible student is any person of proper age, and not whether they are enrolled in the school district. He said there are communities with a waiting list, and they have to have a defined policy, so members who are not of that school district are not discriminated against if they happen to be in a home school situation.

**Rep. Gallik** asked **Mr. Huff** how long would a person have to wait to take drivers education. **Mr. Huff** said probably 1 year.

**Chairman Somerville** asked **Mr. Huff** if a person is not able to take drivers' education, could they be delayed up to a year prior to being allowed to drive, and is there a program where OPI could hire some parents to teach drivers education. **Mr. Huff** said yes, there are students in those situations and they are having to wait a year. Requirements to teach this program are teaching credentials and initial course work in traffic education.

**Closing by Sponsor:**

***{Tape : 2; Side : B; Approx. Time Counter : 10.2}***

**Rep. Gillan** said on page 3 at the top, under this bill, there are no changes to existing law that says if you don't have drivers education then your entry point is age 16. The only change that this bill makes is a driver with drivers education has a 6 month probation period. This 6 month period extends the time in which a child gets to practice what they have learned in drivers' education or what their parents have taught them.

**HEARING ON HB 442**

**Sponsor:** Rep. Joey Jayne, HD 73.

**Proponents:** Rep. Dee Brown, HD 83.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

***{Tape : 2; Side : B; Approx. Time Counter : 15.3}***

**Rep. Jayne** said the language in current law, as it is now, is subject to interpretation and that is the reason why this bill is brought before the legislature. This bill needs clarification to add plastic and changed a few things around to make the language easier to understand.

**Proponents' Testimony:**

**Rep. Dee Brown** said she picks up highway litter for a 2 mile area along their campground going to Glacier National Park. She said the outside layer of a diaper, which is plastic, is another sort of trash she picked up along side the highway. She said garbage in our state is a real problem, and she would like to see bigger restrictions set along our roads in Montana for people who throw garbage out.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:**

*{Tape : 2; Side : B; Approx. Time Counter : 24.2}*

**Rep. Bookout-Reinicke** asked **Rep. Jayne** if she would mind an amendment stating plastic bottles saying "plastic" and amended this fine to be higher. **Rep. Jayne** said she had no objection to an amendment.

**Rep. Barrett** asked **Rep. Brown** if she ever contacted the local authorities about the garbage problem. **Rep. Brown** said they were busy and they did not have enough time.

**Closing by Sponsor:**

*{Tape : 3; Side : A; Approx. Time Counter : 1.7}*

**Rep. Jayne** said this bill is to continue to keep Montana beautiful. She has no objections to the recommended amendments.

**Rep. Bookout-Reinicke** spoke to the committee about bringing up a committee bill about dangers on railroad tracks and hazardous materials that these rail cars carry.

**Roger Chalmers** showed the committee an A&E Documentary video on hazardous waste spills from railroad cars. He also handed out an accident table by railroad. **EXHIBIT(trh31a20)**.



**Motion/Vote:** REP. BOOKOUT-REINICKE moved A COMMITTEE BILL THAT GIVES PSC AUTHORITY TO INSPECT RAILS. DO PASS. Motion carried 18-0.

*{Tape : 3; Side : B; Approx. Time Counter : 0.7}*

**EXECUTIVE ACTION ON HB 33**

**Motion:** REP. ADAMS moved that HB 33 DO PASS.

**Motion:** REP. BARRETT move AMENDMENT FOR HB 33 DO PASS  
#HB003301.alk.**EXHIBIT**(trh31a21).

**Discussion:**

Jack Stults explained amendment #HB00301.alk.

Rep. Gallik motion to remove #21 from subsection (6), in amendment #HB00301.alk.

Rep. Gallik motion to amend #HB00301.alk, change amendment #11 from 60,000 to 50,000 and also change amendment #12 from 120,000 to 100,000. Motion failed. Vote 1-14 with Rep. Gallik voting yes.

Rep. Balyeat moved to add to subsection (6) of amendment #21:  
Following: "purposely", Insert: "with malicious intent".  
Following: "invalid", Insert: "and frivolous".

*{Tape : 4; Side : A; Approx. Time Counter : 0.7}*

**Substitute Motion/Vote:** REP. BALLYEAT made a substitute motion that AMENDMENT #HB003301.ALK DO PASS. Substitute motion carried 9-5 with Barrett, Hedges, Matthews, Smith, and Somerville voting no.

**Motion/Vote:** REP. DEVLIN moved that AMENDMENT #HB003302.ALK DO PASS. Motion carried 18-0.**EXHIBIT**(trh31a22).

**Motion/Vote:** REP. BARRETT moved that AMENDMENT #HB03301.ALK DO PASS. Motion carried 17-1 with Gallik voting no.

**Motion/Vote:** REP. DEVLIN moved that HB 33 DO PASS AS AMENDED. Motion carried 13-4 with Gallik, Gallus, Golie, and Smith voting no.

**EXECUTIVE ACTION ON HB 401**

Motion: REP. KEANE moved that HB 401 DO PASS.

Motion/Vote: REP. GALLIK moved that HB 401 BE TABLED. Motion failed 7-8 with Barrett, Devlin, Hedges, Keane, Matthews, Rome, Somerville, and Steinbeisser voting no.

Motion/Vote: REP. WAITSCHIES moved that AMENDMENT #HB040101.AGP DO PASS. Motion carried 16-0. **EXHIBIT**(trh31a23).

Motion/Vote: REP. KEANE moved that HB 401 DO PASS AS AMENDED. Motion carried 9-8 with Adams, Balyeat, Gallik, Gallus, Golie, Juneau, Smith, and Waitschies voting no.

EXECUTIVE ACTION ON HB 432

Motion/Vote: REP. BALYEAT moved that HB 432 DO PASS. Motion carried 16-1 with Hedges voting no.

**ADJOURNMENT**

Adjournment: 7:30 P.M.

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REP. ROGER SOMERVILLE, Chairman

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DONNA HUFFMAN, Secretary

RS/DH

**EXHIBIT** (trh31aad)